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India

Kerala poet accused of calling Lord Krishna 'immoral with no conscience' gets award, sparks row

ROHINI SWAMY 28 February, 2020 01:35 pm IST



Poet Prabha Varma | Facebook: Prabha Varma

Bengaluru: Noted poet Prabha Varma, who is also Kerala Chief Minister Pinarayi Vijayan's media secretary, is embroiled in a controversy after the Kerala High Court stayed a decision to award the prestigious Poonthanam Njanappana award to him.

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The award is conferred by the Guruvayoor Devaswom Board, which manages the Guruvayoor temple, and is instituted in the name of the 16th century Malayalam poet Poonthanam Namboothiri, who is known for his verse on Krishna.

A group of Hindu organisations had moved the court stating that Varma's award-winning novel, *Shyama Madhavam*, hurt their religious sentiments as it allegedly 'ridicules Lord Krishna'.

On Thursday, the Kerala High Court stayed the handing over of the award after considering three petitions, including one filed by Thrissur-based Haindaveeyam, a hardcore right-wing organisation.

A division bench comprising Justices C.T. Ravikumar and N. Nagaresh issued the interim order stating the court was "not making any consideration or comments on the creative value of the said piece of literature", but felt that the award "would hurt the feelings of the devotees".

The court further questioned if Varma's work depicting Lord Krishna should be granted the award using the contributions of devotees.

Spread across 15 chapters, *Shyama Madhavam* is a novel portraying him as a man who faces agonies and societal values.

The novel has already won the Sahitya Akademi Award, Award and the Vayalar Award among others. It was once Chandrasekhar Kambar as "exciting and strange in mar

Varma was to be handed the award and Rs 50,000 in cash on 28 February at a grand cultural function to be held within the famous Guruvayoor Temple premises. However, the court has ruled that the scheduled cultural programme associated with the award ceremony could be held, but the award cannot be handed to Varma.

Also read: *Beef dropped from menu for Kerala Police trainees, force calls it 'unnecessary controversy'*

The controversy

The controversy erupted after the Guruvayoor Devaswom Board announced that this year's award was being conferred on Varma.

Three right-wing groups separately petitioned the Kerala High Court seeking its intervention.

The petitioners told ThePrint that they are not against Varma or his body of work, but are objecting to the specific recognition — the Poonthanam Njanappana award — being given to him.

One of the petitioners, Advocate C. Rajendran claimed that in *Shyama Madhavam*, Krishna is depicted as an immoral person with no conscience.

The lawyer said that in Varma's version, Krishna admits to being silently attracted to Draupadi, claims that the Bhagavad Gita was purposeless and also reveals that he only mediated between the Pandavas and the Kauravas to intensify their rivalry so that war was inevitable.

"The book portrays Varma's interpretation of Lord Krishna's thoughts. By reading his poetry, one would think that Krishna is a fraud and a person who we cannot trust," Rajendran told ThePrint. "The award should not be give Krishna. He is God for so many of us."

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Rajendran further accused the ruling Left Democratic Party of having filled the posts in the state-run Devaswom Board with those with affiliations to the CPI (Marxist) party. He blamed them for having named Varma as the winner.

Shilpa Nair, a religious activist who was at the forefront of the Sabarimala agitation, also objected to the award. "Many have interpreted the Bhagavad Gita, Mahabharata and the Ramayana differently. Devotees are really hurt with Poonthanam's award being given to him," Nair said. "We are not against his creativity or his award-winning work. We cannot give an award to somebody who has written some nonsense on Krishna. He is a Communist and he has added his political view point to it."

Nothing blasphemous: Varma

When ThePrint contacted Prabha Varma, he said that there was nothing "blasphemous" in his book.

"This book was published eight years ago. It has won several awards. Until now, nobody had objected to it," Varma said. "Suddenly, people from the Sangh Parivar have moved the court. The court has now stayed the awards ceremony. So what does it mean?"

"It looks like the Sangh Parivar did this with an agenda to divert attention from what is happening in Delhi and other parts of the country against Citizenship Amendment Act," he added.

Also read: *CAG pulls up Kerala DGP for 'diverting' police funds to build villas and buy luxury cars*

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Wednesday, the 15th day of February 2023 / 26th Magha, 1944

WP(C) NO. 5845 OF 2020(E)

PETITIONER:

MAHADEVAN K.R, AGED 50 YEARS, S/O. K.M. RAMAMOORTHY, MRA - 61A1/2,
MANAKKAPARAMBU ROAD, PONEKKARA, EDAPPALLY, KOCHI-682041 (MODERATOR
HAINDAVEEYAM).

RESPONDENTS:

1. GURUVAYOOR DEVASWOM MANAGING COMMITTEE, REPRESENTED BY ITS ADMINISTRATOR, GURUVAYOOR PIN-680101.
2. COMMISSIONER, GURUVAYOOR DEVASWOM, GURUVAYOOR PIN-682101.
3. PRABHAVARMA, ADVISER TO CHIEF MINISTER (PRESS), ROOM NO.155, NORTH BLOCK, SECRETARIAT, THIRUVANANTHAPURAM-695001.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the presentation of Njanappana award 2020 to the 3rd respondent pending disposal of this case.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 14.02.2023 and upon hearing the arguments of M/S. R.KRISHNA RAJ & E.S.SONI Advocates for the petitioner, SRI. VIPINDAS for the respondents 1 & 2 and of M/S. MUMTAZ SHUMSUDDIN, ALISHA ASLAM & AMINA RUBY FAIZAL Advocates for the respondent 3, the court passed the following:

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

**W.P.(C) Nos.4643 of 2023, 5770, 5845 and
5909 of 2020**

Dated this the 15th day of February, 2023

ORDER

Anil K. Narendran, J.

W.P.(C) No.4643 of 2023

In terms of the order of this Court dated 13.02.2023, the learned Standing Counsel for Guruvayur Devaswom Managing Committee has made available for the perusal of this Court the files relating to the Poonthanam Njanappana Purasakaram for the years 2020, 2021, 2022 and 2023.

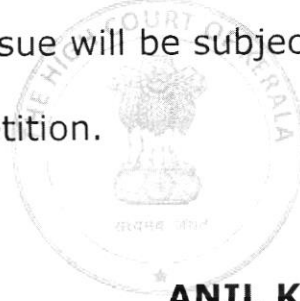
2. We have perused the files. The files relating to Poonthanam Njanappana Purasakram for the year 2023 contains a sealed cover submitted by the Sub Committee. Since the decision taken by the Sub Committee, which is kept in that sealed cover, is being placed before Guruvayur Devaswom Managing Committee, in the meeting scheduled to be held tomorrow (16.02.2023), Registrar (Judicial) is directed to return the files to the learned Standing Counsel today itself.

W.P.(C) Nos.4643 of 2023

3. List this writ petition along with connected matters for further consideration on 17.02.2023.

4. The decision taken by the Guruvayur Devaswom Managing Committee on Poonthanam Njanappana Purasakaram for the year 2023 shall be placed before this Court, in a sealed cover, by the learned Standing Counsel, on 17.02.2023.

It is made clear that any decision taken by the Managing Committee on that issue will be subject to further orders to be passed in this writ petition.



Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

PV

CASE DETAILS			
Case Type	WP(C)	Case Status	DISPOSED
Filing Number	WP(C) 10719/2020	Filing Date	26-02-2020
Registration Number	WP(C) 5845/2020 (E)	Registration Date	26-02-2020
CNR Number	KLHC010153302020	E-File NO	Offline
Disposed date	21-06-2023		

CASE STATUS				
First Hearing Date	Thursday, the 27th day of February 2020			
Decision Date	Wednesday, the 21st day of June 2023			
Case Status	DISPOSED			
Nature of Disposal	DISPOSED OF			
Coram	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR			
Bench	Division			
Last listed Details	Date : 21-06-2023	Bench: 4662 - HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	List : Separate List 1	Item : 20.2

PETITIONER AND ADVOCATE	
1	Petitioner : MAHADEVAN K.R., , Age : 50 Years Petitioner Advocate : R.KRISHNA RAJ,SMT.E.S.SONI

RESPONDENT AND ADVOCATE	
1	Respondent : GURUVAYOOR DEVASWOM MANAGING COMMITTEE,
2	COMMISSIONER,
3	PRABHAVARMA, Advocate : Mumtaz Shumsuddin (17428) Extra Advocate : ALISHA ASLAM(K/1274/2022) (29710) , AMINA RUBY FAIZAL(K/2130/2022) (29958)

SERVED ON	
SRI.T.K.VIPINDAS- SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CONSTITUTION OF INDIA	226

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal

DOCUMENTS						
Document No	Date	File Type	Description	Party Name	Advocate Name	Files
1/2023	17-02-2023	COUNTER AFFIDAVIT		PRABHAVARMA,	S.MUMTAZ	
2/2023	01-03-2023	COUNTER AFFIDAVIT		GURUVAYOOR DEVASWOM MANAGING COMMITTEE,	T.K.VIPINDAS	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate (Tentative Date)	Purpose of Hearing	Order
1	Part Two	4444-HONOURABLE MR.JUSTICE C.T.RAVIKUMAR,HONOURABLE MR.JUSTICE N.NAGARESH	27-02-2020		ADMISSION	SINCE THE ISSUES INVOLVED IN THE WPCS 5770/2020,WPC5845/2020 AND WPC 5909/2020 ARE THE SAME,THEY ARE JOINTLY HEARD. ADV. T.K. VIPINDAS TAKES NOTICE FOR THE GUTUVAYUR DEVASWOM MANAGING COMMITTEE.ISSUE NOTICE BY SPEED POST TO PRIVATE RESPONDENT. INTERIM ORDER PASSED. POST ON 16/3/2020
2	Separate List 1	4542-HONOURABLE MR.JUSTICE C.T.RAVIKUMAR,HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS	16-03-2020	06-04-2020	PETITIONS	RESPONDENTS SEEK TIME TO FILE C/A.POST ON 6/4/20.INTERIM ORDER EXTENDED.
3	Separate List 2	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	13-02-2023	14-02-2023	DEVASWOM BOARD CASES	ORDER.POST TOMORROW AT 2 PM
4	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	14-02-2023	15-02-2023	DEVASWOM BOARD CASES	ORDER.LIST TOMORROW(FILES TO BE KEPT IN SAFE CUSTODY OF REGISTRAR (JUDL)
5	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	15-02-2023	17-02-2023	DEVASWOM BOARD CASES	ORDER. POST ON 17.2.23
6	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	17-02-2023		DEVASWOM BOARD CASES	POST ON 20.2.23
7	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	20-02-2023		DEVASWOM BOARD CASES	R3 HAS FILED A C/A. POST ON 21.2.23
8	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	21-02-2023		DEVASWOM BOARD CASES	POST ON 23.2.23
9	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	23-02-2023		DEVASWOM BOARD CASES	LIST ON 2/3/23
10	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	02-03-2023		ADMISSION	POST A/W C/CASES
11	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	14-03-2023		DEVASWOM BOARD CASES	POST ON 27.3.23
12	Separate List 2	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	27-03-2023		DEVASWOM BOARD CASES	POST ON 25.5.23
13	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	25-05-2023	12-06-2023	DEVASWOM BOARD CASES	BOTH SIDES SEEK ADJOURNMENT.POST AFTER 2 WEEKS
14	Separate List 1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	12-06-2023	21-06-2023	DEVASWOM BOARD CASES	POST NEXT WEEK
15		4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR.JUSTICE P.G. AJITHKUMAR	21-06-2023			DISPOSED OF

INTERIM ORDERS		
Business Date	Hon: Judge Name	Application
15-02-2023	HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR,JUSTICE P.G. AJITHKUMAR	

ORDER		
Order Number	Judge	Order Date
1	4662-HONOURABLE MR. JUSTICE ANIL K.NARENDRAN,HONOURABLE MR,JUSTICE P.G. AJITHKUMAR	21-06-2023

CATEGORY DETAILS	
Category : 59.00 Devaswom Board (213)	

OBJECTION	
#	Objection
1	All Objections are Complied



W.P.(C)Nos.5770, 5845 and
5909 of 2020

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

WEDNESDAY, THE 21ST DAY OF JUNE 2023 / 31ST JYAISHTA, 1945

W.P. (C)NO.5770 OF 2020

PETITIONER:

RAJESH A NAIR, AGED 43 YEARS
S/O. RAMAN NAIR, AMMASOMVEETIL HOUSE,
PUNNAYOORKKULAM VILLAGE, ANDATHODE P.O, CHAVAKKAD
TALUK, THRISSUR DISTRICT 679 564

BY ADVS.

V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SMT.R.UDAYA JYOTHI
SRI.M.M.VINOD
SMT.M.SUSEELA
SMT. KEERTHI B. CHANDRAN
SHRI.VIJAYAN PILLAI P.K.

RESPONDENTS:

- 1 THE GURUVAYOOR DEVASWOM MANAGING COMMITTEE,
REPRESENTED BY ITS ADMINISTRATOR, GURUVAYOOR SRI
KRISHNA TEMPLE, GURUVAYOOR 680 101
- 2 THE COMMISSIONER,
GURUVAYOOR SRI KRISHNA TEMPLE, GURUVAYOOR 680 101
- 3 THE KARANAVAN OF THE MALLISSERY ILLAM,
BRAHMASHRI PARAMESWARAN NAMBOOTHIRI, GURUVAYOOR
680 101
- 4 THE THANTHRI,
BRAHMASHRI CHENNAS NARAYANAN NAMBOOTHIRIPAD,
GURUVAYOOR SRI KRISHNA TEMPLE, GURUVAYOOR 680 101
- 5 PRABHA VARMA,
AGED 60 YEARS
THE PRESS SECRETARY OF THE CHIEF MINISTER OF
KERALA, ROOM NUMBER 155, NORTH BLOCK,
SECRETARIAT, THIRUVANANTHAPURAM,



2023:KER:35504

2

W.P.(C)Nos.5770, 5845 and
5909 of 2020

THIRUVANANTHAPURAM DISTRICT 695 001.

BY ADVS.

SRI.SANTHOSH P.PODUVAL

Mumtaz Shumsuddin

SMT.R.RAJITHA

ALISHA ASLAM(K/1274/2022)

AMINA RUBY FAIZAL(K/2130/2022)

ADV.S. RAJMOHAN, SR.GP

ADV.T.K.VIPIN DAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.06.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



W.P.(C)Nos.5770, 5845 and
5909 of 2020

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

WEDNESDAY, THE 21ST DAY OF JUNE 2023 / 31ST JYAISHTA, 1945

W.P. (C)NO.5845 OF 2020

PETITIONER:

MAHADEVAN K.R. ,
AGED 50 YEARS
S/O. K.M. RAMAMOORTHY, MRA -64A1/2,
MANAKKAPARAMBU ROAD, PONEKKARA, EDAPPALLY, KOCHI-
682041 (MODERATOR HAINDAVEEYAM) .
BY ADVS.
R.KRISHNA RAJ
SMT.E.S.SONI

RESPONDENTS:

- 1 GURUVAYOOR DEVASWOM MANAGING COMMITTEE,
REPRESENTED BY ITS ADMINISTRATOR, GURUVAYOOR,
PIN-680101.
- 2 COMMISSIONER,
GURUVAYOOR DEVASWOM, GURUVAYOOR, PIN-682101.
- 3 PRABHAVARMA, ADVISER TO CHIEF MINISTER (PRESS) ,
ROOM NO.155, NORTH BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
BY ADVS.Mumtaz Shumsuddin
ALISHA ASLAM(K/1274/2022)
AMINA RUBY FAIZAL(K/2130/2022)
ADV.S. RAJMOHAN, SR.GP
ADV.T.K.VIPIN DAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.06.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



W.P.(C)Nos.5770, 5845 and
5909 of 2020

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

WEDNESDAY, THE 21ST DAY OF JUNE 2023 / 31ST JYAISHTA, 1945

W.P. (C)NO.5909 OF 2020

PETITIONER:

ADV. MANORANJEN, AGED 50 YEARS
S/O.RAVINDRANATHAN KUNJI, KHAAC ADVOCATES CHAMBER
NO-530, HIGH COURT OF KERALA, ERNAKULAM
BY ADVS.C.RAJENDRAN
SRI.B.K.GOPALAKRISHNAN

RESPONDENTS:

- 1 GURUVAYOOR DEVASWOM BOARD MANAGING COMMITTEE
REPRESENTED BY ITS ADMINISTRATOR, GURUVAYOOR,
THRISSUR PIN-680101
- 2 COMMISSIONER
GURUVAYOOR DEVASWOM BOARD, GURUVAYOO, THRISSUR
PIN-680101
- 3 PRABHAVARMA
PRESS AND MEDIA ADVISOR TO CHIEF MINISTER, ROOM
NO.155, NORTH BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM PIN-695001
BY ADVS.
Mumtaz Shumsuddin
ALISHA ASLAM(K/1274/2022)
AMINA RUBY FAIZAL(K/2130/2022)
ADV.S. RAJMOHAN, SR.GP
ADV.T.K.VIPIN DAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.06.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**JUDGMENT****Anil K. Narendran, J.**

Since common issues are raised, these writ petitions are heard together and are being disposed of by this common judgment.

2. W.P.(C)No.5770 of 2020:- The petitioner, who is a devotee of Lord Guruvayurappan of Guruvayur Sree Krishna Temple, which is under the management of the 1st respondent Guruvayur Devaswom Managing Committee, has filed this writ petition under Article 226 of the Constitution of India, seeking a declaration that the decision of the 1st respondent to award 'Poonthanam Award' (Poonthanam Njanappana Puraskaram) for the year 2020 to the 5th respondent, for Ext.P2 literary work, is illegal, contrary to the Guruvayur Devaswom Act, 1978 and the religious belief and interest of the devotees of Lord Guruvayurappan. The further reliefs sought for are a writ of mandamus commanding the 1st respondent Guruvayur Devaswom Managing Committee and the 2nd respondent Commissioner not to give 'Poonthanam Award' to the 5th respondent, for Ext.P2 literary work; a declaration that



W.P.(C)Nos.5770, 5845 and
5909 of 2020

'Poonthanam Award' shall not be given to any literary work which contains lack of respect, insult or imputation against Lord Guruvayurappan or any other God or Goddess of Hindu religion or against the religious beliefs and sentiments of Hindus and devotees of Lord Guruvayurappan; and a writ of mandamus commanding the 1st and 2nd respondents to resume or recover any amount spent for giving 'Poonthanam Award' to the 5th respondent for Ext.P2 literary work.

2.1. The 5th respondent has filed a counter affidavit, opposing the reliefs sought for in this writ petition. The petitioner has filed a reply affidavit to the counter affidavit filed by the 5th respondent.

3. W.P.(C)No.5845 of 2020:- The petitioner, who is another devotee of Lord Guruvayurappan of Guruvayur Sree Krishna Temple, has filed this writ petition seeking a writ of mandamus commanding the 1st respondent Guruvayur Devaswom Managing Committee not to grant 'Njanappana Award' (Poonthanam Njanappana Puraskaram) for the year 2020 to the 3rd respondent (5th respondent in W.P.(C)No.5770 of 2020) for his poetic work 'Shyama Madhavam'. The further relief sought



W.P.(C)Nos.5770, 5845 and
5909 of 2020

for is a writ of mandamus commanding the 1st respondent to frame guidelines for the grant of 'Njanappana Award', taking into account Section 27(d) of the Guruvayur Devaswom Act, 1978.

3.1. The 3rd respondent has filed a counter affidavit, opposing the reliefs sought for in this writ petition. The 1st respondent Guruvayur Devaswom Managing Committee has also filed a counter affidavit.

4. W.P.(C)No.5909 of 2020:- The petitioner, who is another devotee of Lord Guruvayurappan of Guruvayur Sree Krishna Temple, has filed this writ petition seeking a writ of mandamus commanding the 1st respondent Guruvayur Devaswom Managing Committee and the 2nd respondent Commissioner not to give award to the 3rd respondent (5th respondent in W.P.(C)No.5770 of 2020) for his work 'Shyama Madhavam'. The further reliefs sought for are a writ of mandamus commanding respondents 1 and 2 not to waste Devaswom fund for 'anti-religious' and 'anti-Krishna' propagation; and a declaration that the anthology of poems written by the 3rd respondent is ridiculing, belittling and scoffing Lord Guruvayurappan and thereby affecting the sentiments of



W.P.(C)Nos.5770, 5845 and
5909 of 2020

crores of Krishna devotees.

4.1. The 3rd respondent has filed a counter affidavit, opposing the reliefs sought for in this writ petition.

5. On 27.02.2020, when the above writ petitions came up for consideration, this Court passed the following order;

“Since the issues involved in these writ petitions are inter-related and inter-twined, they are heard jointly, for deciding the question of admission and subject to its decision on the question of interim order. Upon hearing the rival contentions and going through the pleadings with reference to Guruvayur Devaswom Act, 1978, we are of the view that among other questions, the question whether the collection of poems 'Syama Madhavam' written by the proposed awardee depicts Lord Krishan unworthy for worship and if so, whether granting of award to him utilising the funds of Guruvayur Devaswom that too, from Poonthanam Auditorium of the temple, will be in the interest of worshipers of the temple, are identified as matters that require consideration. In this context, it is to be noted that the new Act viz., Guruvaryur Devaswom Act, 1978 intends to protect the interest of the worshipers of the temple. We make it clear that we are not making any consideration or comments on the creative value of the said piece of literature. In the said circumstances, the writ petitions are admitted.

2. Sri.T.K. Vipindas takes notice for respondents 1 and 2 in all the wit petitions. Issue notice to respondents 3 and 4 in



W.P.(C)Nos.5770, 5845 and
5909 of 2020

W.P.(C)No.5770 of 2020 and Sri.Prabha Varma, who is the common respondent in all the writ petitions, by speed post.

3. The interim orders sought for in these writ petitions are founded on the contention that the granting of Njanappana Award to the common respondent Sri.Prabha Varma who is also the author of 'Syama Madhavam' would hurt the feelings of the devotees in view of the manner in which the Lord Krishna has been depicted therein.

4. 'Njanappana Award' proposed to be awarded to the common respondent Sri.Prabhavarma carries an amount of Rs.50,001/- as well. In view of the questions posed for consideration, as mentioned hereinbefore, there will be an interim order to the effect that even in case the cultural event scheduled to be held on 28.02.2020 takes place as scheduled, the granting of 'Njanappana Award' to Sri.Prabha Varma shall not take place." (underline supplied)

6. On 13.02.2023, when these writ petitions came up for consideration along with the connected matter, i.e., W.P. (C)No.4643 of 2023, which is in respect of grant of Poonthanam Njanappana Puraskaram for the year 2023, this Court passed a detailed order, which reads thus;

'Service of notice is not complete on the third respondent in W.P.(C)No.5845 of 2020 and also the 5th respondent in W.P.(C)No.5770 of 2020.

2. In W.P.(C)No.5909 of 2020, despite service of notice,



W.P.(C)Nos.5770, 5845 and
5909 of 2020

there is no appearance for the third respondent. Registry is to verify whether there is any vakalath for the third respondent in W.P.(C)No.5909 of 2020.

3. W.P.(C)Nos.5770 of 2020, 5845 of 2020 and 5909 of 2020 are in respect of 'Poonthanam Njanappana Puraskaram for the year 2020'. On 27.02.2020, when the above writ petitions came up for consideration, this Court passed an interim order, which reads thus;

"Since the issues involved in these writ petitions are inter-related and inter-twined, they are heard jointly, for deciding the question of admission and subject to its decision on the question of interim order. Upon hearing the rival contentions and going through the pleadings with reference to Guruvayur Devaswom Act, 1978, we are of the view that among other questions, the question whether the collection of poems 'Syama Madhavam' written by the proposed awardee depicts Lord Krishna unworthy for worship and if so, whether granting of award to him utilising the funds of Guruvayur Devaswom that too, from Poonthanam Auditorium of the temple, will be in the interest of worshippers of the temple, are identified as matters that require consideration. In this context, it is to be noted that the new Act viz., Guruvayur Devaswom Act, 1978 intends to protect the interests of the worshippers of the temple. We make it clear that we are not making any consideration or comments on the creative value of the said piece of literature. In the said circumstances, the writ petitions are admitted.

2. Sri. T.K.Vipindas takes notice for respondents 1



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5909 of 2020

and 2 in all the writ petitions. Issue notice to respondents 3 and 4 in W.P.(C) No.5770 of 2020 and Sri.Prabha Varma, who is the common respondent in all the writ petitions, by speed post.

3. The interim orders sought for in these writ petitions are founded on the contention that the granting of Njanappana Award to the common respondent Sri Prabha Varma who is also the author of 'Syama Madhavam' would hurt the feelings of the devotees in view of the manner in which the Lord Krishna has been depicted therein.

4. 'Njanappana Award' proposed to be awarded to the common respondent Sri.Prabha Varma carries an amount of Rs 50,001/- as well. In view of the questions posed for consideration, as mentioned hereinbefore, there will be an interim order to the effect that even in case the cultural event scheduled to be held on 28.02.2020 takes place as scheduled, the granting of 'Njanappana Award' to Sri.Prabha Varma shall not take place."

4. In W.P.(C)No.4643 of 2023 the issue involved is regarding 'Poonthanam Njanappana Puraskaram' of the year 2023.

Having considered the materials on record and also the submissions made at the Bar, we deem it appropriate to direct the learned Standing Counsel for Guruvayur Devaswom Managing Committee to make available for the perusal of this Court the entire files relating to Poonthanam Njanappana Puraskaram for the year 2020, 2021 and 2022.'

7. On 15.02.2023, when these writ petitions came up for



W.P.(C)Nos.5770, 5845 and
5909 of 2020

consideration along with W.P.(C)No.4643 of 2023, this Court passed the following order;

"In terms of the order of this Court dated 13.02.2023, the learned Standing Counsel for Guruvayur Devaswom Managing Committee has made available for the perusal of this Court the files relating to the Poonthanam Njanappana Purasakaram for the years 2020, 2021, 2022 and 2023.

2. We have perused the files. The files relating to Poonthanam Njanappana Purasakram for the year 2023 contains a sealed cover submitted by the Sub Committee. Since the decision taken by the Sub Committee, which is kept in that sealed cover, is being placed before Guruvayur Devaswom Managing Committee, in the meeting scheduled to be held tomorrow (16.02.2023), Registrar (Judicial) is directed to return the files to the learned Standing Counsel today itself.

3. List this writ petition along with connected matters for further consideration on 17.02.2023.

4. The decision taken by the Guruvayur Devaswom Managing Committee on Poonthanam Njanappana Puraskaram for the year 2023 shall be placed before this Court, in a sealed cover, by the learned Standing Counsel, on 17.02.2023.

It is made clear that any decision taken by the Managing Committee on that issue will be subject to further orders to be passed in this writ petition." (underline supplied)

8. Heard the learned counsel for the petitioner in the respective writ petitions, the learned Standing Counsel for



W.P.(C)Nos.5770, 5845 and
5909 of 2020

Guruvayur Devaswom Managing Committee and also the learned counsel for the party respondents.

9. During the course of arguments, the learned counsel for the 5th respondent in W.P.(C)No.5770 of 2020 (the 3rd respondent in W.P.(C)Nos.5845 and 5909 of 2020), would point out the stand taken by the said respondent (Sri.Prabha Varma) in paragraph 26 of his counter affidavit dated 16.02.2023, wherein it is stated that he is no longer interested in receiving 'Poonthanam Award' (Poonthanam Njanappana Puraskaram).

Paragraph 26 of the said affidavit reads thus;

"26. It is rather unfortunate that this respondent who never sought this award has unnecessarily been dragged into a controversy. Quite naturally the poet feels hurt beyond words. So this respondent is no longer interested in receiving this award though he is convinced before this Hon'ble Court through this statement that, the fifth respondent genuinely deserves it. So on recording the above submissions of this respondent, this Hon'ble Court may kindly dismiss the writ petition." (underline supplied)

Paragraph 28 of the counter affidavit filed in W.P.(C)No.5845 of 2020 also contains a similar statement made by the said respondent.

10. Having considered the submissions made at the Bar,



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5909 of 2020

we deem it appropriate to dispose of these writ petitions recoding the above stand taken by the 5th respondent in W.P. (C)No.5770 of 2020 (the 3rd respondent in W.P.(C)Nos.5845 and 5909 of 2020) that he is no longer interested in receiving 'Poonthanam Award' (Poonthanam Njanappana Puraskaram); however, leaving open the legal and factual contentions raised by both sides, in view of the pendency of W.P.(C)No.4643 of 2023.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

yd



W.P.(C)Nos.5770, 5845 and
5909 of 2020

APPENDIX OF WP(C) 5770/2020

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF JNANAPPANA DOWNLOADED FROM
THE WEBSITE
- EXHIBIT P2 TRUE COPY OF SHYAMAMADHAVAM WRITTEN BY
THE 5TH RESPONDENT
- EXHIBIT P3 TRUE COPY OF THE RESOLUTION DATED 24-2-
2020 AND PROTEST STATEMENT DATED 25-2-
2020
- EXHIBIT P4 TRUE COPY OF THE MATHRUBHUMI DAILY DATED
26-2-2020 THRISSUR EDITION, PAGE NUMBER
13
- Exhibit P-5 True copy of the Chapter IX of Indian
Philosophy, titled "The Theism of
Bhagavadgita", cover page with pages
from 519 to 580
- Exhibit P-6 True copy of the Chapter IV of "The
Discovery of India", cover page with
pages from 108 to 110



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W.P.(C)Nos.5770, 5845 and
5909 of 2020

APPENDIX OF WP(C) 5845/2020

PETITIONER EXHIBITS

EXHIBIT P1 COPY OF THE PREFACE OF SHYAMA MADHAVAM.
EXHIBIT P2 COPY OF THE RELEVANT PAGES OF SHYAMA
MADHAVAM.
EXHIBIT P3 COPY OF THE MEDIA REPORT DATED
19/02/2020.
EXHIBIT P4 COPY OF THE REPRESENTATION OF THE
PETITIONER DATED 24/02/2020.



2023:KER:35504

W.P.(C)Nos.5770, 5845 and
5909 of 2020

APPENDIX OF WP(C) 5909/2020

PETITIONER EXHIBITS

EXHIBIT P1 TRUE PHOTOCOPY OF THE RELEVANT PAGES OF
SYAMAMADHAVAM POEM

EXHIBIT P2 TRUE COPY OF THE RELEVANT PAGES OF
SYAMAMADHAVAM POEM (ANUGEETHA)